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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
WASHINGTON

OFFICE OF
THE DIRECTOR

April 30, 1985

Dear Mr. Chairman:

I greatly appreciate the prompt consideration of the ACDA FY85 supplemental request and the FY86-87 ACDA authorization by the Subcommittee on Arms Control, International Security and Science. Favorable action on these funds is critical to the work of our arms control negotiators in Geneva.

I understand that the subcommittee may consider a companion amendment to Senator Pell's in the Senate Foreign Relations Committee on U.S. compliance. I would like to make clear the Administration's views on this amendment.

As you know, the Administration has provided several reports to Congress on Soviet compliance. These include a Presidential report in January 1984, the October 1984 report of the President's General Advisory Committee on Arms Control and Disarmament, and the most recent Presidential report in February 1985.

These reports reflect the President's deep concerns about Soviet non-compliance with arms control undertakings and the importance of compliance generally. As he has noted: "Strict compliance with all provisions of arms control agreements is fundamental." We are continuing to raise these issues with the Soviet Union and to seek corrective actions.

Therefore, while we do not object to annual reports on compliance, the Pell amendment in its present form poses some troublesome problems.

First, the issues involved are of such complexity and broad importance to our national security that any compliance report should be issued by the President, as was the case for the Administration's two prior compliance reports, not by any one agency head.

The Honorable
Dante Fascell
Chairman, Committee on Foreign Affairs
House of Representatives

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A second key problem is the requirement that the report include "adherence of the United States to obligations undertaken in arms control agreements." We object to this language because of its implication that the United States is not meeting its treaty obligations. With respect to treaties or international agreements in force, they are legally binding obligations on the United States States and, therefore, on the Executive Branch and all its agencies. Every effort is made to ensure compliance with the letter and the spirit of these obligations. With treaties such as the SALT agreements that are not in force but which the President has said we would not undercut as a matter of policy, so long as the Soviet Union exercises equal restraint, equal effort is made to ensure compliance with the President's policy direction.

We believe that annual reports on this aspect will not serve any useful purpose. To the contrary, the existence of such a requirement in the proposed report inherently casts doubt on U.S. compliance with its Treaty obligations. We, therefore, believe this reporting requirement should be deleted. Also, U.S. compliance with arms control agreements is treated in the Arms Control Impact Statements.

Obviously, whenever questions regarding U.S. compliance are raised, Congress should know and we will be happy to provide answers to these questions and further analysis to the Congress. We provided such an analysis of Soviet allegations regarding U.S. compliance to the Congress in a February 10, 1984 letter to Senator Pell. This does not, in our view, require an annual reporting requirement.

Finally, with respect to multilateral treaties, an amendment should make clear that the report should cover only those multilateral treaties to which the United States is a party and where U.S. interests are involved. This would enable us to avoid addressing disputes between other countries when our interests are not involved. In addition, to minimize redundancy in reporting to the Congress, this section should also make clear that the Administration need not cover those compliance issues dealt with in existing reports to the Congress (e.g., our annual reports on non-proliferation).

I hope you will find these comments constructive. With my best wishes.

Sincerely,



Kenneth L. Adelman

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